

THE FAYETTE COUNTY PLANNING COMMISSION met on May 1, 2003 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Chairman
Al Gilbert, Vice-Chairman
Bob Harbison
Bill Beckwith
Douglas Powell

MEMBERS ABSENT: None

STAFF PRESENT: Bill McNally, County Attorney
Kathy Zeitler, Director of Zoning/Zoning Administrator
Delores Harrison, Zoning Technician
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Pete Frisina, Senior Planner
Deputy Warren Chamberlin

Welcome and Call to Order:

Chairman Graw called the meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff and confirmed there was a quorum present. He advised that a Workshop was scheduled to be held after the Public Hearing to discuss the Land Use Plan.

Chairman Graw wished Deputy Warren Chamberlin a “Happy 29th Birthday”.

* * * * *

1. Consideration of the Minutes of the meeting held on April 3, 2003.

Chairman Graw asked the Board Members if they had any comments or changes to the Minutes as circulated. Al Gilbert made the motion to approve the Minutes. Doug Powell seconded the motion. The motion unanimously passed 5-0.

* * * * *

2. Consideration of the Workshop Minutes of the meeting held on April 3, 2003.

Chairman Graw asked the Board Members if they had any comments or changes to the Workshop Minutes as circulated. Doug Powell made the motion to approve the Workshop Minutes. Bill Beckwith seconded the motion. The motion unanimously passed 5-0.

* * * * *

Kathy Zeitler read the procedures of the meeting to the public.

Chairman Graw advised that the P.C. would forward their recommendation to the B.O.C. who would make the final decision on May 22, 2003.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON MAY 1, 2003 AND BY THE BOARD OF COMMISSIONERS ON MAY 22, 2003.

3. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-1. A-R Agricultural-Residential District, B. Permitted Uses and E. Special Regulations.

Kathy Zeitler explained that the growing of crops and gardens is allowed in all residential zoning districts as a permitted use. She stated that everyone can grow their own garden. She advised that the A-R zoning district also allows the on-premise sale of what is grown there. She confirmed that the growing of crops and gardens and the sale thereof has been allowed as a permitted use in the A-R zoning district for years and is not changing. She said that Staff is only clarifying this section. On April 9, 1998, she advised that the A-R zoning district was amended from “growing crops, gardens, and the sale thereof” and “shrubby sales” listed as two (2) separate permitted uses in A-R, and it was amended and combined to “growing crops, gardens, landscape planting materials (planted or potted) and the sale thereof”. She went on to say that the 1998 amendment was to clarify what shrubby sales consisted of and it did include flowers and trees.

Mrs. Zeitler remarked that Staff is proposing to take the landscape planting materials (planted or potted) out of the category and make it into its own separate category of greenhouses and plant nurseries (wholesale or retail). She explained that growing crops, gardens, and the sale thereof will remain as a permitted use in the A-R zoning district which is exempt from site plan approval. She added that this also includes seasonal sales of Christmas trees, pumpkins, etc. She further explained that greenhouses and plant nurseries (wholesale or retail) is proposed as a separate category that will require site plan approval. She confirmed that these revisions will apply to any new agricultural uses in A-R not existing uses, however existing agricultural uses in A-R will be required to comply with the current ordinance requirements which require selling only what is grown on the premises. She said that the current ordinance states: growing crops, gardens, landscape planting materials (planted or potted) and the sale thereof. She remarked that this is being changed to: growing of crops and gardens, and the sale thereof, provided all agricultural products sold or grown on the premises. She pointed out that this is just a clarification of what “the sale thereof” means. She confirmed that the landscape planting materials (planted or potted) is being taken out of the category and made into a new category of greenhouses and plant nurseries including both wholesale and retail sales provided all agricultural products sold or grown on the premises, and it clarifies that no sales of related garden supplies are allowed since related supplies would be found in a garden center with commercial zoning.

Al Gilbert asked if Christmas trees and pumpkins, which are seasonal sale items, could be brought in, even if some are being grown on the premises.

Mrs. Zeitler replied that this is being done, but it is not the reason for the revision. She stated that the revision is to address plant nurseries and such issues as stormwater runoff, parking, traffic, etc. that a required site plan could address. She added that seasonal selling of Christmas trees would still be exempt from site plan approval.

Chairman Graw asked if there was anyone to speak in favor of the amendment. Hearing none, he asked if there was anyone to speak in opposition of the amendment.

Carolene Thames of Flintwood Farms asked if the ordinance applied to an existing business.

Mrs. Zeitler replied that anytime there is an ordinance amendment, the new regulations do not apply retroactively. She said that any new regulations will apply only to future agricultural uses in A-R, however the existing uses are required to comply with the existing rules in A-R and any change of use or new use will be required to comply with the new rules.

Mrs. Thames stated that she would like to see it in writing so that everyone understands that an existing business will not be affected.

Attorney McNally explained that if someone has an existing business that they are referred to as “grandfathered”, and that her property, Flintwood Farms, has a different zoning than A-R.

Mrs. Thames replied that she is not only concerned about herself personally but others in the business as well.

Tom Kerlin of 1759 Hwy. 85 South stated that as a former member of the P.C. for nine (9) years, staff words like clarification have always scared him because they come up with these wonderful rules and it sounds good and everyone is all in agreement but 10 years down the road a new person comes along and they interpret the ordinance completely different. He said that a prime example with the Rivers farm which was zoned R-70 watershed protection ordinance and it was specifically brought up about A-R land in that particular area and Betty Chaffin said that no one had to worry about that because A-R is already a five (5) acre minimum and we are talking about making a two (2) acre minimum so we don't have to worry about someone coming along later and asking for one (1) acre subdivisions so you don't have to worry about it because it is not going to affect the five (5) acres and then years down the road Mr. Rivers has to rezone his land from R-70 so he can build a pole barn. He remarked that he saw the same thing happening here. He said that this is an attempt to fix something which is not broken. He commented that we have people who sell things on their land who have agricultural operations and they sell their products there. He went on to say that if this amendment is approved that down the road someone will say that unless you grow 80 bushels of pole beans on your property, you can't sell 80 bushels but you can sell 10 bushels because that is all you can grow. He stressed that this is what he worries about down the road. Mr. Kerlin said he was also worried about folks like him who don't raise crops but have horses and occasionally sells one (1) of them. He stated that down the road that he might be told that he can't sell the horses because he did not raise them, you went over to the horse sale and brought them then brought them to your property and now you are selling them and you can't. He confirmed that he was not trying to be petty but that this is what happens and he has seen it happen. He added that he has lived in this County for 57 years and he has seen things happen here. He said that we have wonderful people here that run the County who have great ideas and great visions but they do not have a clue about agricultural use. He remarked that we have people who think that agricultural is 5-10-15-20 acre tracts with a 50,000 square foot house but agricultural is a family with a house that they can afford with some barns to house their equipment and animals and the land is plowed or cultivated or used to raise animals and they sell them however they can to supplement their living. Mr. Kerlin added that he is also on the board of the Fayette County Farm Bureau and the President Rick Minter wrote a letter because he could not be here tonight.

Robin Porter asked what further expansions would entail.

Mrs. Zeitler stated that if an existing business wanted to expand which is not a new use or change of use would be continued to be grandfathered.

Mrs. Porter read the following: Planning Commission Members. My name is Robin Porter and my family and I have lived in Fayette County all our lives. This is our home. We have had a garden center in Griffin for 29 years and a growing nursery here for 30. Both are small business family owned and operated just trying to make a living. We are what is left of the backbone of America. Big business is not the backbone of America. It is small home town family owned and operated. Quoting a national nursery magazine, the top 25 nurseries which are Home Depot, Lowes, Walls, etc. already have 95.8% of the business. If the smaller family owned and operated are not able to embellish their product and compete to a degree, big boxes will have it all. No more family owned and operated, no more small town, no more sidewalks, no more place to call home. And for what its worth, when the big ones are finished with the small businesses and they move onto bigger and better facilities they leave a vacant hole of a building, not good for a thing, and an unmarketable blemish on the community. And lastly, the whole industry is seasonal. Thank you.

Mickey Harp asked if the County ordinance would supercede the State ordinance.

Mrs. Zeitler replied no, Local does not supercede State and you have to comply with both.

Mr. Harp stated that he was almost certain that the 1998 ordinance is against the law because the State ordinance allows you to sell products from your farm as long as 50% is grown on the farm and the remaining 50% can be related items.

Mrs. Zeitler stated that this may be, because there is sometimes a conflict between State and Local requirements but in order to comply with both, you would go with what is the most restrictive. She added that if the County was more restrictive then you would have to comply with the County.

Mr. Harp remarked that when he started his business that this is how he was able to start it and then this law was enacted. He stressed that you have to have support because there is no way you can do 100% yourself. He added that they have to bring in related items because there is not way to run a business without it. He said that he did not know that this requirement was on the books and he does not agree. He commented that the County has to have some character and needs variation. He went on to say that we can't have all homes in the County that there has to be a little variation.

Lynn Henning of Covered in Bloom on Malone Road stated she has been in the County for nine (9) years and is commonly referred to as a foreigner. She said that she was like Mrs. Thames in that she is not only concerned about her situation but the situation of the others. She remarked that they are very fraternal in this industry. She commented that they work together and help each other when someone does not have a flower and there is landscaper that needs it, they trade items. She said that they could send all of their buyers up to Fayette Pavilion or wherever there are some chain stores but isn't it nice to have them on a tract of acreage where they can see nature and the mothers and fathers can shop without worrying. She went on to say that she is a single parent with three (3) little ones, the youngest is three (3) years old, without fearing that they are going to run into Hwy. 85 or 54 or whatever it is. She added that it is nice to have the tract and acreage. She confirmed that the second book of Genesis says that God told Cain to work the soil and right at 600,000 years later we are still doing it. She reported that we do it and you guys receive benefits.

Mrs. Henning read a letter from the B.O.C. to the audience: Please accept a big thank you from the Board of Commissioners and the Employee Luncheon Committee for your donation of flowers for Fayette County's Annual Employee Luncheon. The flowers were a bright and cheery addition to the large room where the luncheon was held. We drew door prizes after lunch and the employees were excited to take the flowers home. You helped to make our event a success and we thank you for that again. Robert Sprayberry, Chairman. She remarked that she had other letters and many of them, the Porters, the Thames, the Harps, do support the community. She added that they do a lot of extras for the community and they try to brighten it up. She said that if you look at some of the shopping centers, they are dead without color and without plants because there is barren products there and it is up to the little small guys. She stated that the Harps have their boys working on the farm, she has her boys working on the farm, and a lot of them do. She referred to the second book of Genesis when God told Cain to work the soil and she hopes she will be working the soil in Fayette County for as long as she is on this land.

Virginia Adams remarked that her husband's family has been in the farming business since the early 30's and this is the way they make their living with the strawberry farm today. She pointed out that it wasn't always strawberries and that sometimes it was turnip greens or whatever. She confirmed that often times they do have to supplement those things at the farm by buying from other people because you cannot raise 100% of what you need and you have to bring in things to help supplement. She said that all of the farmers do stick together. She added that she is also a board member of the Fayette County Farm Bureau. She asked the P.C. to look at the future for those people who might want to be in a similar business.

Mark Porter asked how the proposed ordinance will affect his future expansion of his nursery business.

Mrs. Zeitler replied that like she just explained to his wife when she asked the same question, as long as it is not a new use or change of use, you are grandfathered in because you are an existing business and new rules are not applied to existing businesses.

Mr. Porter asked what about a new greenhouse.

Mrs. Zeitler replied that you are already there and grandfathered in. She stressed that these rules are going to apply to new businesses which have not even started up yet.

Mr. Porter asked if he constructed a new greenhouse that no site plan would be required.

Mrs. Zeitler replied that he would be exempt from a site plan but might need a building permit which should be checked out with the Building Department but no site plan would be required, you're exempt, you're grandfathered in, you're existing.

Mr. Porter asked if this was for this business on a particular site.

Mrs. Zeitler replied yes, at the current location where you are at.

Hearing no further comments, Chairman Graw closed the floor from public comments.

Mrs. Zeitler stated she would like to address some of the comments made by the nursery owners. She said that some nursery owners spoke who are not in the A-R zoning district. She remarked that others who spoke regarding getting plants from other nurseries, and that the County understands that stock will be replenished on a regular basis and they are going to get plant materials from other nurseries, which is standard procedure. She commented that the County was not trying to prohibit them from doing that, but what was trying to have new nurseries get site plan approval, and trying to prevent any misuse of property which is zoned A-R from being used just for road side sales of plant materials which are not grown there.

Chairman Graw commented that this would require a commercial zoning. He said that these changes are for properties located in the A-R zoning district and not in a commercial district.

Mrs. Zeitler stated that the only change is making the landscape planting materials (planted or potted) a separate category and not exempting it from site plan approval, leaving the other uses the same as they already are, and clarifying that what "growing crops, gardens, and the sale thereof" means is selling what is grown there. She said that it is very clear to Staff, but it has not been clear to others in the past and this is why Staff wanted to clarify that.

Bob Harbison said that there had been some interesting points raised which the P.C. may want to look at and try to incorporate some wording which will make some of the concerns go away or make it a little bit more clearer about what the County's intentions are.

Mr. Gilbert concurred with Mr. Harbison. He said that it appears that people don't have a big trust for government sometimes. He stated he wanted to make sure that whomever is interpreting the ordinance years from now understands what the intent of the ordinance is. He added that this would make the nursery operators feel better. He remarked that a statement that existing businesses are exempt from this rule and more clarification about what the County is trying to accomplish with this rule. He advised that the P.C. had discussed the proposed amendments at the previous Workshop and now is the time for public input since none of the P.C. are in agricultural related business and the nursery operators valid concerns are welcomed.

Mr. Harbison agreed with Mr. Gilbert and added that a statement of intent be added. He said that a lot of the things that can be performed is really a commercial venture and the County does not want a commercial venture in the A-R zoning district.

Bill Beckwith asked Mr. Harbison if he was suggesting that the amendment be postponed until a later date.

Mr. Harbison replied not necessarily. He said that it should be kept simple since Staff is not changing the requirements but only clarifying some items and placing them in a separate category.

Mr. Beckwith said that Staff needs to clarify the clarification. He added that most of the public comments were questions.

Doug Powell remarked that he did not want to grandfather what the County has right now, and not allow more of what is good. He said that he did not want to curtail that type of endeavor. He added that Staff needed to make something that works for that zoning for the people that live there, not only today but in the future. He suggested that the amendment be tabled and discussed to get input from the community. He stated that at the Workshop only the planning and zoning side was discussed. He confirmed that with input a better ordinance may be developed for the County.

Mr. Harbison concurred. He commented that it was not the intent to stop the things going on now but rather to take new businesses and ensure that they are not a commercial venture.

Mrs. Zeitler replied that this is part of the problem, but the other part is that the A-R zoning district is becoming more and more residential rather than agricultural, and as nurseries expand or new nurseries come in, complaints also come in. She said that there is water runoff due to no detention pond, the constant traffic, cars parked in the road due to the lack of adequate parking areas, etc. She stated that it would better serve the County by having nurseries, which are commercial ventures, have a site plan so they can be planned out first and not impact neighbors as much. She added that this is Staff's intent.

Chairman Graw concurred with Mr. Powell and Mr. Harbison. He added that he did not have a problem delaying the vote to see if revisions need to be done to clarify and dispel some of the citizens' fears.

Mr. Beckwith added that the P.C. needed to get input from the people who know what the impact would be to both themselves and the County.

Doug Powell made a motion to table the proposal until the May 15, 2003 Workshop and get members from the Farm Bureau to come and help develop an amendment to fit the County and the people who live here.

Bill Beckwith seconded the motion.

Mr. Beckwith asked Robyn Wilson if the P.C. decided to vote at the June 5, 2003 Public Hearing, would this give her adequate time to re-advertise.

Attorney McNally advised the P.C. that if they decided the date for the Public Hearing and it was announced tonight that Mrs. Wilson would not have to re-advertise the amendment.

Doug Powell withdrew his motion and Bill Beckwith withdrew his second.

Doug Powell made a motion to table the proposed amendment until the June 5, 2003 Public Hearing but that a Workshop with the public invited was scheduled for May 15, 2003.

Al Gilbert seconded the motion.

Chairman Graw called for the vote. The motion unanimously passed 5-0.

Mr. Gilbert asked the public to submit their comments in advance if possible to Staff prior to the Workshop.

Chairman Graw asked the public to keep in mind what Staff is trying to do, trying not to put any further regulations on existing businesses but ensure that there are not commercial endeavors in the A-R zoning district.

Page 7
May 1, 2003

Chairman Graw asked if there was any further business.

Kathy Zeitler advised that two (2) applications had been received for the June Public Hearing.

There being no further business, Bob Harbison made the motion to adjourn the meeting. Al Gilbert seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 7:50 P.M.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

JIM GRAW
CHAIRMAN

ROBYN S. WILSON
SECRETARY